



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

**BARRIER FREE DESIGN BOARD**

Ottawa Building, Upper Level, Conference Room #2  
611 West Ottawa Street  
Lansing, Michigan 48933

**APPROVED 11/16/2017**

**MINUTES – OPEN SESSION**

**July 20, 2017**

9:30 a.m.

**MEMBERS PRESENT**

Mr. Jason Turkish, Chairperson  
Mr. Christopher MacKay  
Mr. Greg Pollock  
Ms. Jamie Spore  
Mr. Michael Harris  
Mr. Michael Winkler  
Mr. Ronald Campbell

**MEMBERS ABSENT**

Mr. Aaron Besmer  
Mr. Vincent DeLeonardis

**DEPARTMENT PERSONNEL ATTENDING**

Ms. Barbara Kunkel, Deputy Director, BCC  
Mr. Stanley Skopek, Chief, Permits and Plan Review Division, BCC  
Ms. Tracie Pack, Department Analyst, Administrative Services Division, BCC  
Ms. Sara Leiby, Secretary, Administrative Services Division, BCC  
Mr. Bill Denner, Assistant Attorney General

**1. CALL TO ORDER AND DETERMINATION OF QUORUM**

Chairperson Turkish called the meeting to order at 9:38 a.m. A quorum was present at that time.

**2. APPROVAL OF AGENDA**

A **MOTION** was made by Board Member Pollock and **SECONDED** by Board Member Campbell to add a Closed Session to consult with counsel regarding pending litigation below Item #6 New Business on the Agenda. Agenda approved as amended. **MOTION CARRIED.**

**3. APPROVAL OF MINUTES**

A **MOTION** was made by Board Member Harris and **SECONDED** by Board Member Spore to approve the minutes for the May 18, 2017 meeting for both the Open Session and Closed Session. **MOTION CARRIED.**

#### **4. EXCEPTION APPLICATIONS**

##### **A. PR2017BFD-000007, Sigma Alpha Epsilon Fraternity – East Lansing**

Mr. Gregory Somers' exception application for Sigma Alpha Epsilon Fraternity was presented to the Board for relief from the requirements of Sections 304.3, 304.3.1, 304.3.2, 404.2.3.3, 604.5.2, of the 2009 ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities as required by Section 3411.6 Alterations of the 2012 Michigan Building Code (MBC). Mr. Somers, Ms. Sara Miller, House Director, and Mr. Jim Hoffman, City of East Lansing Building Official, provided testimony for the review.

Following discussion, a **MOTION** was made by Board Member Harris and **SECONDED** by Board Member Winkler to affirm the administrative law judge's recommendation dated May 10, 2017 to approve exception from Section 404.2.3.3 alone for a reduced hallway clearance of 36.5 inches (door) and 39 inches (wall) due to the structural limitations of the property; denying exceptions to the other sections referenced above. **MOTION CARRIED.**

##### **B. PR2017BFD-000013, Fifth Royal Oak Condominium – Royal Oak**

Mr. Lance Avery's exception application for Fifth Royal Oak Condominium was presented to the Board for relief from the requirements of Section 1107.6.2.1.1 Type A units of the 2012 MBC. Mr. Avery provided testimony for the review.

Following discussion, a **MOTION** was made by Board Member Pollock and **SECONDED** by Board Member Harris to affirm the Permits and Plan Review Division's recommendation dated June 14, 2017 to approve exception from Section 1107.6.2.1.1 for Type A dwelling unit. **MOTION CARRIED.**

##### **C. PR2017BFD-000014, Sigma Chi Fraternity – Ann Arbor**

Board Member MacKay recused himself from deliberation on this matter due to a conflict of interest.

Mr. David Peters' exception application for Sigma Chi Fraternity was presented to the Board for relief from the requirements of Section 410.6 Alterations of the 2012 Michigan Rehabilitation Code for Existing Buildings. Mr. Peters provided testimony for the review.

Following discussion, a **MOTION** was made by Chairperson Turkish and **SECONDED** by Board Member Winkler to deny Mr. Peters' exception application due to lack of compelling need based on economic limitations since proposed cost is de minimis compared to the overall project cost. **MOTION CARRIED.**

**D. PR2017BFD-000017, Bailey Center – East Lansing**

Ms. Mikki Droste's exception application for Bailey Center was presented to the Board for relief from the requirements of Section 1108.2.8 Performance Areas of the 2012 MBC. Ms. Droste and Mr. Greg Oakland, Architect, provided testimony for the review.

Following discussion, a **MOTION** was made by Board Member Campbell and **SECONDED** by Board Member Spore to postpone Ms. Droste's exception application for Bailey Center to allow time for the applicant to provide alternative accessibility possibilities which could include an alternate temporary lift. **MOTION CARRIED.**

**5. UNFINISHED BUSINESS**

**A. Ad Hoc Committee**

Chairperson Turkish requested Bureau staff to circulate an email to coordinate scheduling of a phone conference for the Ad Hoc Committee.

**6. NEW BUSINESS**

Board Member Pollock expressed concern that the Board should have a standard for testimony at meetings.

Chairperson Turkish agreed rules should be established regarding this concern, requested staff to provide precedent for operating procedures for other Boards and Commissions and to place the matter on the September 14, 2017 Agenda.

**7. CLOSED SESSION – CONSULTATION WITH COUNSEL REGARDING PENDING LITIGATION**

At 11:20 a.m., a **MOTION** was made by Board Member Pollock and **SECONDED** by Board Member Harris to adjourn to close session to consult with counsel regarding pending litigation. (Aye: Campbell, Harris, MacKay, Pollock, Spore, Turkish, Winkler; No: None) **MOTION CARRIED UNANIMOUSLY.**

**8. END CLOSED SESSION**

The Board came back into Open Session at 11:36 a.m.

**9. BUREAU REPORT**

Ms. Kunkel provided information on the following:

**A. Ski and Amusement Programs**

The Ski and Amusement Programs from the Bureau of Corporations, Securities, and Commercial Licensing will transfer to the Bureau of Construction Codes by the end of the year.

**B. Rule and Code Promulgation**

The Bureau recently underwent a Lean Process Improvement for Rule and Code Promulgation. The new procedures will be provided soon.

**C. Website Updates**

The Bureau website is being updated and a PowerPoint will be available for the complaint and exception processes for the Barrier Free Design Board.

**10. PUBLIC COMMENT**

Mr. Lance Avery commented that the Barrier Free Design Exception process is confusing, commended the Bureau for updating the website to provide clarity in this area, and requested consideration on how to better inform property purchasers of barrier free design requirements prior to the sale.

**11. 2017 MEETING DATES**

The Board is scheduled to meet at 9:30 a.m. at 611 W. Ottawa, Lansing, MI 48933 in Upper Level Conference Room #2 on September 14, 2017 and November 16, 2017.

**12. ADJOURNMENT**

A **MOTION** was made by Board Member Harris and **SECONDED** by Board Member Spore to adjourn the meeting at 11:43 a.m. **MOTION CARRIED.**